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RPOST HOLDING, INC.
RPOST COMMUNICATIONS LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SYMANTEC CORPORATION,
Plaintiff,
v.
RPOST HOLDINGS, INC., et al.
Defendants.

Case No. 3:14-cv-238-VC-JCS
**STIPULATED REQUEST AND
[PROPOSED] ORDER FOR
STAY PENDING APPEAL
IN RELATED MATTER**

Date: _____
Time: _____
Place: Courtroom 4, 17th Floor
Judge: Hon. Vincent Chhabria

TREND MICRO INCORPORATED,
Plaintiff,
v.
RPOST HOLDINGS, INC., et al.
Defendants.

Case No. 3:13-cv-5227-VC (JCS)

RPOST HOLDINGS, INC., et al.,
Plaintiffs,
v.
TREND MICRO INCORPORATED,
Defendant.

Case No. 3:14-cv-2824-VC (JCS)

STIPULATED REQUEST AND [PROPOSED] ORDER FOR
STAY PENDING APPEAL IN RELATED MATTER
3:14-cv-238-VC-JCS

1 Pursuant to Civil Local Rule 6-2, Trend Micro Incorporated ("Trend Micro"), Symantec Corporation
2 ("Symantec"), and RPost Holdings Inc., and RPost Communications Limited (collectively, "RPost")
3 respectfully submit the following Stipulated Request and Proposed Order to stay further proceedings
4 pending final resolution of the appeal of a decision in a related matter.

5 Good cause exists for this Stipulated Request as follows:

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7 1. On December 8, 2017, the United States District Court for the District of
8 Massachusetts entered judgment against RPost in *Sophos, Inc. v. RPost Holdings, Inc. and RPost*
9 *Communications Limited*, No. 13-12856-DJC, on the ground that claims 14, 19, 24, 26, 27, and 30 of
10 U.S. Patent No. 8,504,628 ("the '628 patent") are invalid.

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12 2. On January 5, 2018, RPost filed a notice of appeal of the decision in *Sophos*, and the
13 appeal is pending as Case No. 18-1392 in the United States Court of Appeals for the Federal Circuit.

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15 3. The claims asserted against Symantec and Trend Micro are claims 14, 15, 19, 23, 24,
16 26, 27, and 30 of the '628 patent. Of those claims, the decision in *Sophos* invalidated claims 14, 15,
17 24, 26, 27, and 30. Dependent claims 15 and 23 of the '628 patent were not at issue in *Sophos*.

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19 4. In this matter, the Court scheduled a tutorial on the technology at issue and a hearing
20 on pending motions regarding the validity and construction of the '628 patent for March 7, 2018, and
21 the Court scheduled a hearing on other pending issues for May 16, 2018. The Court has indicated
22 that the March 7, 2018 hearing must be rescheduled. Whether the decision in *Sophos* will be
23 affirmed or reversed by the Federal Circuit will determine the scope of the claims at issue here and
24 therefore will determine the content of the tutorial and the issues before the Court in the upcoming
25 hearings.

26
27 5. On February 2, 2018, the parties in this matter met and conferred telephonically
28 regarding the impact of the decision in *Sophos* on this matter. The parties have agreed to request this
stay of further proceedings in this matter while the appeal remains pending.

1 6. Symantec and RPost have agreed that the requested stay will apply to all claims in this
2 matter, including those relating to the '628 patent asserted by RPost and U.S. Patent No. 6,442,686
3 asserted by Symantec.

4 7. Staying further proceedings in this matter will not cause prejudice to the parties, and it will
5 further judicial efficiency by avoiding the potential of multiple or unnecessary hearings in this matter.
6
7 *See Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S.Ct. 163, 81 L.Ed. 153 (1936); *Mediterranean*
8 *Enters., Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (A court may "find it efficient
9 for its own docket and the fairest course for the parties to enter a stay of an action before it, pending
10 resolution of independent proceedings which may bear upon the case").

11 WHEREFORE, the parties respectfully request that the Court grant this Stipulated Request
12 and stay further proceedings in the above-captioned matters pending final resolution of the appeal of
13 *Sophos, Inc. v. RPost Holdings, Inc. and RPost Communication Limited*, Case No. 18-1392 in the
14 United States Court of Appeals for the Federal Circuit.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16 Dated: February 15, 2018

17 Respectfully Submitted,

18 /s/ Elizabeth D. Rhodes

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13 Dated: February 15, 2018

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23 Dated: February 15, 2018

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28 SYMANTEC CORPORATION

1 ~~PROPOSED~~ ORDER

2 IT IS HEREBY ORDERED that the Court stays the above-captioned proceedings pending
3 final resolution of *Sophos, Inc. v. RPost Holdings, Inc. and RPost Communication Limited*, Case No.
4 18-1392 in the United States Court of Appeals for the Federal Circuit.

5 IT IS SO ORDERED.

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7 Dated: February 22, 2018

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Hon. Vince Chhabria
United States District Court Judge